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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 116 7590 09/29/2009 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108 | | | EXAMINER THOMPSON, JAMES A | |
| | | | ART UNIT 2625 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,997

Applicant(s)

DANTAS, EUDES

Examiner

James A. Thompson

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006 and 31 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 1-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/808)
- Paper No(s)/Mail Date 5/11/06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The specification is replete with grammatical and syntax errors. Further, the specification is not organized according to the format set forth in MPEP § 608 which requires a discussion of the Background of the Invention, a Brief Summary of the Invention, a Brief Summary of the Drawings, and a Detailed Description of the Invention.

Appropriate correction is required.

Claim Objections

2. Claims 1-10 are objected to because of the following informalities: Claims 1-10 are each replete with grammatical errors. Further, each of claims 1-10 are difficult to interpret as written. For the purpose of examining the claims, Examiner will interpret the language as best as he can. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Each of claims 1-10 recite generally various characteristics of the Tetrastitch Process. However, the claims do not substantively recite the steps by which such processes are to be achieved. Further, the specification only discusses these characteristics in very general terms, and does not enable one of ordinary skill in the art to make and use any of the processes recited in the claims.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Each of claims 1-10 are recited so as to characterize the processes of each claim, but do not recite any actual steps of any of the processes. Thus, each of claims 1-10 simply recite what the processes are meant to achieve, but do not recite what the processes actually are. Thus, claims 1-10 do not particularly point out and distinctly claim the subject matter Applicant regards as the invention.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Each of claims 1-10 as recited are directed to processes. However, none of claims 1-10 recite any actual steps. Thus, none of claims 1-10 recite any sort of processes. Claims 1-10 are also not machines, articles of manufacture, or compositions of matter. Thus, claims 1-10 do not fall within any of the statutory categories of invention.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-6 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyagi (US-2002/0191203).

Regarding claim 1: Miyagi discloses a process characterized by using, in the formation of the printing cells, only square dots in halftone screening of the four colors of CMYK system, with or without additional colors (figure 7 and para. 47 of Miyagi).

Regarding claim 2: Miyagi discloses a process characterized by grouping the squares dots separately, of the four color CMYK system, in one of the four vertices or sides of the printing cell, as much in the symmetrical form as in the asymmetrical form (figure 3 and para. 30 of Miyagi - *each color set in different corners and grown so as to overlap each other, and are therefore as much in the symmetrical form as in the asymmetrical form*).

Regarding claim 3: Miyagi discloses a process characterized by placing at a zero angle the square dots of all the four colors of CMYK system, avoiding complicated calculations made in computer software of output devices (figure 7 and para. 47 of Miyagi - *square dots of each color placed in a square grid in an even, zero angle pattern, as can be seen in figure 7, thus resulting in an avoidance of complicated calculations related to angling of color components*).

Regarding claim 4: Miyagi discloses a process characterized by utilizing the pixel, which represents the smallest

graphical unit of measurement on a screen, using advantageously the squared format to generate the dots that compose the cells printed in the system of four colors CMYK including the additional colors, on an attempt of compatibility of the system of additives colors RGB with the system of subtractive colors CMYK (para. 55-58 of Miyagi - *8-bit RGB data input, converted to CMYK, processed, and output as 1-bit CMYK print data*).

Regarding claim 5: Miyagi discloses a process characterized by eliminating totally the clear areas between the square dots, in any percentage of halftone, and for reducing drastically the clear zones in the printing cells in symmetrical form, with coincident registers, in two or more colors of the CMYK color system, with or without additional colors (figure 3 and para. 30 of Miyagi - *CMYK colors each overlap, and thus eliminate the clear areas between square dots*).

Regarding claim 6: Miyagi discloses a process characterized by the versatility of utilizing any density of dots in a cell, with any line quantity and in any resolution, without compromising the fidelity and color quality demanded by the CMYK printing, with or without additional colors (figure 10 and para. 55-58 of Miyagi - *image processing and printing executed in terms of digital color data and bit-depth, and is generally applicable to printing devices, and is thus not affected by line quantity and resolution criteria*).

Regarding claim 8: Miyagi discloses a process characterized by simplicity in the position exchange of the four colors

CMYK between the four vertexes or sides of the printing cell increasing, consequently, the processing calculation speed in the computer software (figure 7 and para. 47-48 of Miyagi - *simple arrangement of color allows for simple and quick position exchange, such as discussed in para. 48*).

Regarding claim 9: Miyagi discloses a process characterized by covering 100% of the area of its dot in its minimum percentage, and 100% of the area of its cell in its maximum percentage, covering always all the area of the square that they occupy (figure 3 and para. 30 of Miyagi - *all of the dot will be covered at all intensities since the dot defines the intensity, and all of the area of the square cell will be covered at maximum intensity since maximum intensity is a full cell coverage [full black]*).

Regarding claim 10: Miyagi discloses a process characterized by demanding a low quantity of memory and increasing the speed of processing of the halftone screening in computer software output for imagesetters and platesetters that use Laser technology, LCD, DMD or any other one (figure 7 and para. 47-48 of Miyagi - *simplistic formulation used for CMYK printing, thus demanding low memory and allowing fast processing speeds on whatever printer is used*).

11. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Kawamura (US-4,752,822).

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Regarding claim 7: Kawamura discloses a process characterized by facilitating the reduction of the moiré effect, by defining better the parameters of coincidence of the color registration of the CMYK system, with or without additional colors (column 9, lines 14-23 of Kawamura).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is (571)272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A Thompson/
Primary Examiner
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27 September 2009